

**AMENDMENTS TO THE DRAWINGS**

The attached sheets of drawings include changes to FIGS. 2 and 5. The replacement sheet, which includes FIGS. 2 and 5, replaces the original sheet including FIGS. 2 and 5. Changes incorporated in the replacement sheet are indicated in red on the attached annotated copy of the original sheet.

The Applicant hereby also submits formal drawings sheets including FIGS. 1, 2, 3a, 3b, 4a, 4b, 4c, 5, 6, and 7 to replace informal drawings sheets including FIGS. 1, 2, 3a, 3b, 4a, 4b, 4c, 5, 6, and 7.

Attachments: Replacement Sheet

Annotated Copy of Original Sheet

### **REMARKS**

In amended FIGS. 2 and 5, the base (52) has been resized with shifted holes (60) to correspond to the upper and lower set of holes on the plate (32). Thus, the hole pattern on the base (52) corresponds to any subset of hole patterns on the plate (32). The Applicant has submitted formal drawing sheets for FIGS. 1, 2, 3a, 3b, 4a, 4b, 4c, 5, 6, and 7, which include the aforementioned amendments to FIGS. 2 and 5.

Claims 1-18 were pending in this application. Claims 1, 2, and 18 are amended. Specifically, claims 1 and 18 have both been amended to require a first and second subset of holes in the plate such that the holes of the base are configured in the same pattern as the first and second subset of holes in the plate. Claim 2 has been amended to address the positions for both the first and second subset of holes. The Examiner has acknowledged that claims 8-12 are directed to allowable subject matter and that claim 6 would be allowable if rewritten in independent form including all of the limitations of the base claim. Accordingly, new claim 19 has been added incorporating the limitations of allowed claim 6 and base claim 1. New claim 20 has been added to recite the same limitations as in claim 3, but to depend from allowed rewritten new claim 19. Therefore, claims 1-20 remain in this application. No new subject matter is believed to have been added by these amendments.

### **Drawing Objections**

The drawings stand objected to because the Examiner asserts that FIGS. 2, 5, and 3a appear to be inconsistent. The Applicant believes that new FIGS. 2 and 5 overcome the Examiner's objections. Amendments to FIGS. 2 and 5 are indicated in red in the attached annotated copy of FIGS. 2 and 5. Reconsideration of these objections is respectfully requested. Entry of formal drawings sheets for FIGS. 1, 2, 3a, 3b, 4a, 4b, 4c, 5, 6, and 7 is also respectfully requested.

### **35 U.S.C. §103 Rejections**

Claims 1-5, 7, and 13-18 stand rejected under 35 U.S.C. §103(a) for obviousness based upon United States Patent No. 4,648,151 to Whaley in view of United States Patent No. 5,016,930 to Hamilton. The Applicant believes the pending rejections directed to claims 1-5 and 7 moot in light of the amendments to independent claim 1.

Specifically, the Applicant has amended claim 1 to require the plate to include at least a first and second subset of threaded holes so that the holes of the base of the bracket may be mated with either the first or second subset of the threaded holes. In contrast, securing of the bracket to the plate in the jamb plate disclosed in the Whaley patent is limited to a single location on the plate, specifically, the off-set midsection (42). Please refer to APPENDIX A attached hereto.

The present invention allows the bracket to be mounted in various positions along the length of the plate. This feature is conducive to situations in which the bracket cannot be mounted in the middle of the plate when the entire plate must be offset to avoid damaged areas of a wooden jamb. For example, if the plate is offset downwardly along the wooden jamb, then the resultant position of the bracket with respect to the plate also shifts. Accordingly, the bracket may be secured to a top portion of the plate by utilizing the upper subset of threaded holes. Wooded screws may be inserted through any of the holes of the middle and/or lower subset of threaded holes.

The jamb plate disclosed in the Whaley patent is limited to securing the bracket in a fixed position relative to the plate. Therefore, the prior art jamb plate is not conducive to situations in which damaged portions of a wooden jamb are to be avoided by vertically shifting and mounting the plate on a non-damaged portion thereof. The Applicant wishes to point out that the various holes (50) of the off-set midsection disclosed in the Whaley patent are provided for the purpose of accommodating various-sized commercial door closer brackets (see column 2, lines 27-30) and, therefore, are not adapted to support offset positions of the bracket with respect to the plate. Additionally, the invention disclosed in the Whaley patent does not provide for realignment (either up or down) of the bracket after the plate has already been secured to the wooden jamb. In contrast, the present invention allows an installer to select from the various subsets of holes to provide increased alignment (i.e., levelness) of the bracket and the attached connecting rod from the piston. This is shown in more detail in FIG. 7 of the present application.

Although the Applicant has amended the claims to clarify the novelty of the present invention, the Applicant desires to address the Examiner's obvious rejection. The plate in the Whaley patent is shown to have a single raised or off-set midsection (42) with non-threaded holes (50) adapted to correspondingly mate with a bracket (constructed of feet

28, 30) including a set of holes matching a pattern of the holes (50) on the single off-set midsection (42). The off-set midsection is constructed as such to accommodate the “nut and bolt” fasteners (44, 32) used to secure the base thereto. Specifically, the off-set midsection is raised to accommodate the nuts between the jamb (12) and the off-set midsection. In other words, the plate of the Whaley patent is constructed as such for the specific purpose of accommodating the depth of the nut. It would not have been obvious to one of ordinary skill in the art to substitute the non-threaded holes (50) with threaded holes, as the entire plate (40) is inherently designed with a sufficient clearance to receive the bolts (32).

In any case, the specific limitations of amended claim 1 of the present application are not disclosed, taught or suggested by the Whaley patent or the remaining prior art of record. Claims 2-5 and 7 depend from and add further limitations to independent claim 1 and are believed to be patentable for the reasons discussed hereinabove in connection with independent claim 1. Reconsideration of claims 1-5 and 7 is respectfully requested.

Independent claim 13 includes limitations directed to a door jamb interface apparatus having an elongated plate defining at least two sets of threaded holes wherein a support member can be affixed to the plate via threaded bolts threadably mated with one of the sets of threaded holes on the plate. These limitations are similar to the limitations set forth in amended independent claim 1. For the same arguments previously discussed above in connection with independent claim 1, the Applicant believes that claim 13 of the present application is not disclosed, taught or suggested by the Whaley patent or the remaining prior art of record. Claims 14-17 depend from and add further limitations to independent claim 13 and are believed to be patentable for the reasons discussed hereinabove in connection with independent claim 13. Reconsideration of claims 13-17 is respectfully requested.

Independent claim 18 includes limitations directed to a door piston to door jamb interface kit including a set of threaded bolts and an elongated plate having a first and second subset of threaded holes. These limitations are similar to the limitations set forth in amended independent claim 1. For the same arguments previously discussed above in connection with amended independent claim 1, the Applicant believes that claim 18 of the present application is not disclosed, taught or suggested by the Whaley patent or the remaining prior art of record.

In short, the claims of the present application have specific limitations which serve specific purposes, and these limitations and purposes are not taught in or suggested by the Whaley patent or any of the prior art of record. The Applicant is not the first person to invent a plate for attaching a piston bracket to a door jamb. However, the Applicant's new design is quite different from the prior art and is worthy of patent protection.

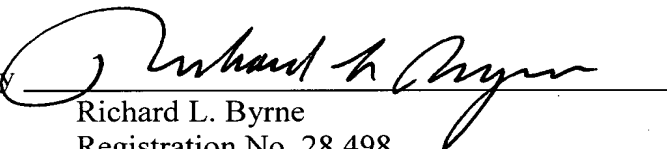
CONCLUSION

Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claims 1-5, 7, and 13-18 are respectfully requested. Continued maintenance of the allowance of claim 6 (now rewritten as new independent claim 19 incorporating the limitations of original claim 1), new claim 20, and claims 8-12 is also respectfully requested.

Respectfully submitted,

THE WEBB LAW FIRM

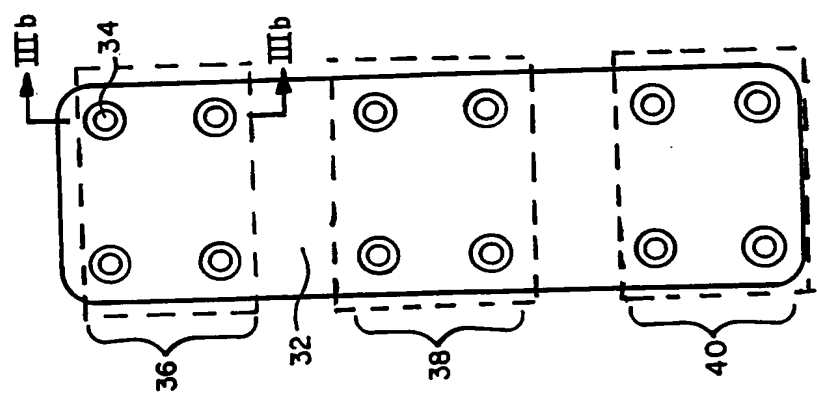
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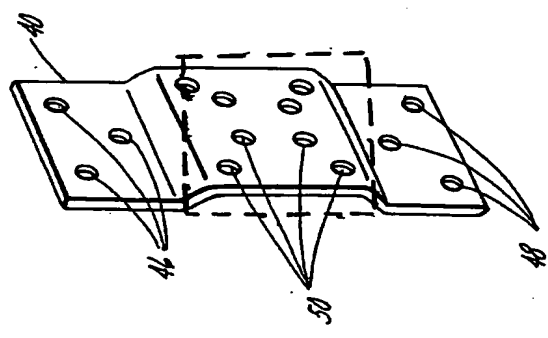
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Includes only one subset of holes (50).  
 Remaining holes (46, 48) cannot be construed as a subset because limitations of the independent claims requires that the base include a set of holes configured in the same pattern as the first and second subset of holes of the plate. The inherent design of the Whaley plate allows for only one subset of holes that is adapted to mate with the base.



At least a first and second subset of holes, each subset corresponding to the pattern of holes on the base.



PRESENT INVENTION

WHALEY

# APPENDIX A

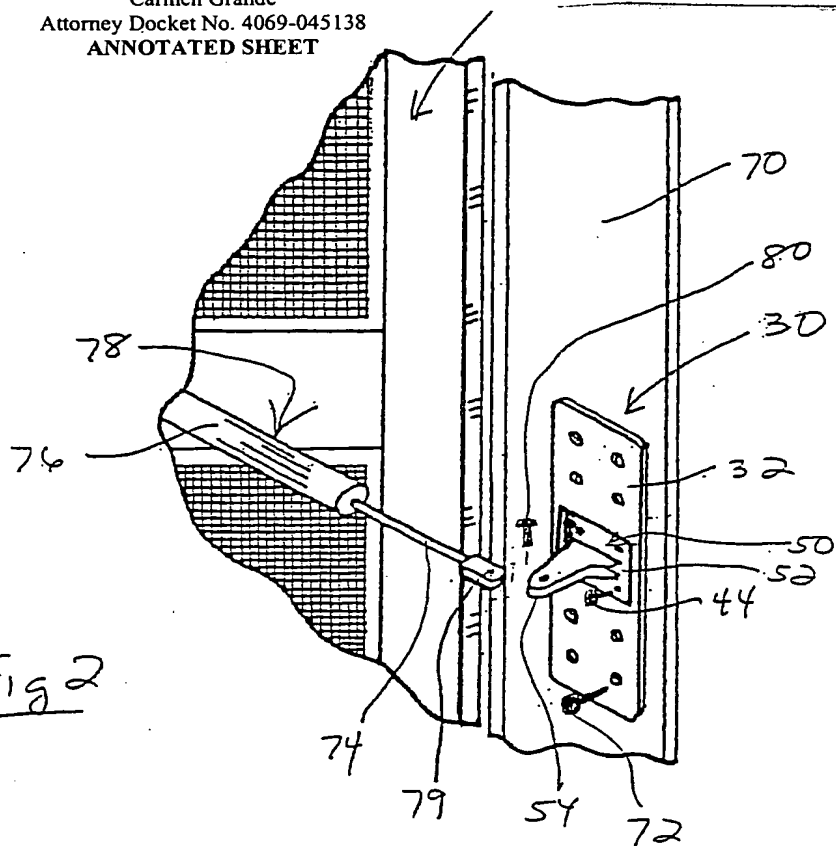


Fig 2

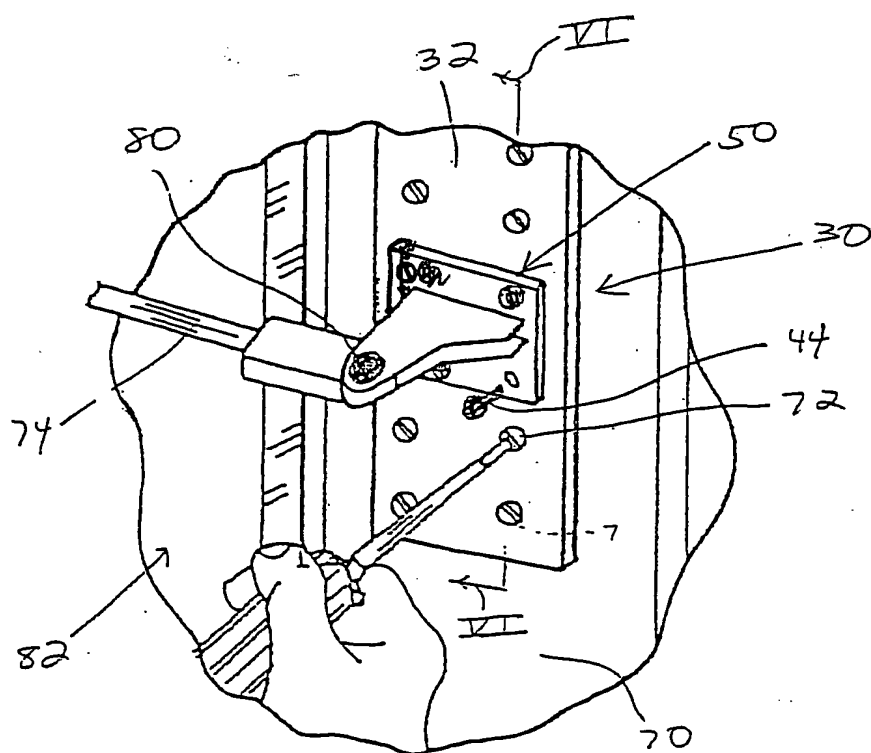


Fig 5: